

1 studio equipment. There had been -- the equipment selection
2 process had been an ongoing process.

3 Q Well, let me ask specifically as of April -- the
4 April 10, 1993, date is the date you signed this statement,
5 correct?

6 A Yes, sir.

7 Q And this statement is signed by you. You attest
8 to its truthfulness and accuracy, correct?

9 A Yes, sir.

10 Q And you are familiar with it?

11 A Yes, sir.

12 Q Had you -- as of that date did you have any
13 contracts to purchase an antenna?

14 A We had not contract an antenna, but we had
15 selected. We had good ideas where to go for an antenna, but
16 we had not bought one. No, sir, we had not bought one.

17 Q Okay. Did you have any contracts to purchase a
18 wave guide?

19 A We had not bought a wave guide, no, sir.

20 Q Have you purchased or had you had at that time a
21 contract to purchase transmitting equipment?

22 A We had not purchased the transmitter, no, sir.

23 Q Now, referring to the last sentence or the next to
24 the last sentence and the last sentence of the middle of
25 page 5 of Exhibit No. 7. It states, "In order to go forward

1 Rainbow requires favorable action on both pending requests."

2 "Both pending requests," does that refer to the
3 request to extend the time for construction and the request
4 to assign the construction -- assign the permit to Rainbow
5 Broadcasting, Limited?

6 A I believe that's reference to both pending
7 requests. I can't think of any other things that was
8 pending other than those two things.

9 Q In order to go forward, you said to the -- in this
10 pleading, or in your statement, the next sentence reads, "If
11 the transfer request is not granted, Rainbow will go back to
12 its lenders for a reaffirmation of their commitments."

13 Who were you referring to when you were referring
14 to lenders, plural?

15 A Well, Loftus, you know, on the equipment is the
16 reaffirmation statement here. I had left it with Howard
17 that we would go down this route, but Howard was still
18 willing to do it the other way. Loftus, I would have to go
19 back to Loftus and say, okay, it's not going to be a limited
20 partnership. It's going to be a different structure for the
21 equipment loan.

22 Q Was it your understanding at the time you wrote
23 this statement that if the Commission were to deny the
24 assignment application you still had a commitment from
25 Howard Conant to lend you the money to construct and operate

1 the station?

2 A Yes.

3 Q Is that your testimony?

4 A Yes.

5 Q So at the time you made this statement you had the
6 wherewithal to go forward and buy transmitting equipment,
7 wave guide and other equipment for the construction of the
8 station?

9 A Yeah. The deal with Howard is that it had to be
10 free and clear. But, yes.

11 Q Was the construction permit in '93, the date of
12 your statement.

13 A April, you said.

14 Q In April of '93, was the construction permit free
15 and clear?

16 A No.

17 Q Why was it not free and clear?

18 A We had an application pending to extend the
19 construction permit. It was challenged by Price
20 Broadcasting. It was not free and clear.

21 Q in your mind it was not free and clear.

22 Did there ever come a point in time when you told
23 Howard Conant that the construction permit was free and
24 clear?

25 A I definitely told Howard Conant that it was free

1 and clear in the second half of '93. We didn't need his
2 funds. We had the equity investors. I might have told
3 Howard that it was free and clear the day after the Supreme
4 Court only to tell him there had been a reconsideration
5 filed a couple days later.

6 Nothing comes to mind beyond that, Mr. Silberman.

7 Q In the letter -- this is Exhibit 7 -- excuse me.
8 Exhibit 6, the one-page exhibit. It's a letter from Clay
9 Pendarvis, the Chief of the TV Branch of the Video Services
10 Division to Ms. Polivy.

11 Are you familiar with that letter?

12 A Yes, sir.

13 Q And in the letter there is a question in the
14 second paragraph. "We request that you provide a detailed
15 explanation of what specific actions you have taken towards
16 construction since November 27, 1991."

17 My question to you, Mr. Rey, is between November
18 27, 1991 and March 22, 1993, did Rainbow take any specific
19 actions towards construction?

20 And if so, what did they do?

21 A Physical construction, no. There was a lot of
22 preconstruction, selecting equipment, getting prices. But
23 actual purchasing, no. And I would assume that this date,
24 November 27, 1991, covers the transmitter building.

25 So putting the transmitter building aside --

1 Q Excuse me. The transmitter building was that --

2 MS. POLIVY: I'm sorry.

3 MR. SILBERMAN: I'm sorry. May I just ask --

4 MS. POLIVY: Mr. Silberman, could you let the
5 witness finish his answer?

6 JUDGE CHACHKIN: Did you finish your response?

7 MR. SILBERMAN: I'm sorry.

8 THE WITNESS: Well, what I was saying to Mr.
9 Silberman, Your Honor, is that this November 27, 1991 date
10 encompasses the construction of the transmitter building. I
11 would throw it in there. I mean, I don't know -- we
12 terminated the construction or we finished the construction
13 of the transmitter building around November of 1991. So I
14 don't know if this date encompasses that or not.

15 But putting the transmitter construction, the
16 transmitter building construction aside, Rainbow
17 Broadcasting did not buy any equipment; solicited a lot of
18 bids; studied a lot of equipment; selected equipment; laid
19 out equipment on paper; did not purchase, did not put
20 deposits on equipment until August or September of 1993,
21 when it had a free and clear permit. It immediately put
22 deposits on equipment.

23 BY MR. SILBERMAN:

24 Q But before that time in between November 27, 1991,
25 and April of 1993, when you say you took steps, what did you

1 do exactly as far as looking at equipment?

2 Did you get equipment catalogues? Did you speak
3 to suppliers?

4 A No, no. We talked to suppliers, that sort of
5 thing. Actually got bids from -- the big items, especially
6 the transmitter, this is also changing technology at the
7 time.

8 Q Did you place any deposits on --

9 A No, sir, we did not until after, I would say,
10 September of '93 is the first deposit that gets put down for
11 transmitter, or transmitting equipment.

12 Q I want to now turn to your testimony in the
13 hearing on January 11, 1991, which is Press Broadcasting
14 Company Hearing Exhibit No. 10. And ask you to turn to page
15 8, referring to line 21.

16 Do you have the exhibit, Mr. Rey?

17 A I'm in the wrong document.

18 MR. EISEN: Exhibit 10.

19 MR. SILBERMAN: That's the transcript of your
20 testimony in the Rey v Gannett hearing.

21 THE WITNESS: Okay.

22 (Pause.)

23 BY MR. SILBERMAN:

24 Q Do you have the exhibit?

25 A Yes.

1 Q Referring to line 21 and 22 --

2 MR. EISEN: What is the page number?

3 MR. SILBERMAN: I'm sorry. Page 8. At the very
4 top page 8. It also reflects page 105, which is from the
5 transcript.

6 THE WITNESS: Correct.

7 BY MR. SILBERMAN:

8 Q The question reads, "Has this gentleman told you
9 he will no longer loan you the money?"

10 Did you take that to mean Mr. Conant?

11 A Yes, sir.

12 Q Your answer was, "It's pending the resolution of
13 this matter."

14 Is that correct?

15 A That's correct.

16 Q And that was a correct and true answer at the
17 time?

18 A Yeah, my reference is that if this thing is
19 worthless there is no sense in going forward.

20 Q Right.

21 The next question on lines 24 and 25, page 8, "Has
22 he told you," "he" again would mean Mr. Conant?

23 A Correct.

24 Q "...told you that if your space is not exclusive
25 on there that the wouldn't finance you."

1 And then going to the top of page 9, the answer
2 that you gave was, "He has told me if Channel 18 gets on
3 that tower the likelihood is that he will not finance the
4 station."

5 Was that your testimony at the time?

6 A It was the testimony at the time.

7 Q Now, this morning, if I understand your testimony
8 correctly, are you saying, or was it your testimony, is it
9 your testimony that he never told you that, but that you
10 believed that, or that he told you that but you were
11 reluctant to believe it?

12 A In essence, he told me that. My discussions with
13 Howard were clearly that he was relying on my interpretation
14 of the viability of the business. It is in my mind to some
15 degree if I were to go back to him the following day and
16 says, "Judge Marcus has decided this. It's not favorable to
17 us, you know, I think this thing is worthless," I think that
18 he would have said, "No, let's not go forward."

19 Q I'm sorry. Are you finished with your answer?

20 A Yes, sir.

21 Q I have a very specific question, Mr. Rey.

22 When you answered here on page 9, "He has told me
23 if Channel 18 gets on that tower the likelihood is that he
24 will not finance the station," is that accurate testimony?

25 A The answer is yes. There is some of my own in

1 this answer, my own state of mind, because he has told me
2 that, in the discussion that we had in December of 1990,
3 that if this thing is worthless, you know, we're not going
4 to do it.

5 Q Excuse me, Mr. Rey.

6 Did he tell you this or didn't he tell you this?

7 MS. POLIVY: The question has been asked and
8 answered.

9 MR. SILBERMAN: I don't think so.

10 JUDGE CHACHKIN: Overruled.

11 MR. SILBERMAN: I don't think so. I want an
12 answer to this question.

13 May I ask the question? Excuse me.

14 BY MR. SILBERMAN:

15 Q The question is, is this testimony reflected on
16 page 9, lines 1 and 2, truthful and accurate testimony? Did
17 Mr. Conant tell you that if Channel 18 gets on that tower
18 the likelihood is that he will not finance the station? Yes
19 or no.

20 A It has to be yes or no.

21 Not in that specifically, no. He told me he would
22 rely on me in my likelihood, in my thinking is that he would
23 not give me the money if I were to go back to him the next
24 day and say, "They ruled against us, Howard."

25 I think the likelihood is that he would have said,

1 "No deal, Joe."

2 Q Mr. Rey, would you refer to page 3 of Exhibit 10,
3 Press No. 10?

4 A Page 3?

5 Q Yes. Lines 9, 10 and 11.

6 Doesn't it state, Mr. Rey, that you were sworn
7 when you gave your testimony in this proceeding?

8 A Yes, sir.

9 Q Did you swear to tell the truth?

10 A Yes, sir.

11 That answer in page 9, sir, is truthful as far as
12 I'm concerned.

13 Q As far as you're concerned?

14 A Yes, sir.

15 Q Did you ever advise the -- was this your
16 impression -- let me go back here. Strike the first part.

17 This impression that you had that if Channel 18 is
18 Press, correct?

19 A Yes, sir.

20 Q It's used interchangeably, I believe, so the
21 record is straight.

22 If Channel 18 gets on the tower the likelihood is
23 that he will not finance the station, that was your
24 testimony January 11, 1991?

25 A Yes, sir.

1 Q How long did you have the belief that if Channel
2 18 got on the tower the likelihood was that Mr. Conant would
3 not finance the station?

4 Did that belief of yours as to what he would do
5 extend into June of '91, when Judge Marcus denied the motion
6 for preliminary injunction?

7 A My state of mind in terms of what I believe that
8 the station, RBC -- WRBW, the station was worth or was
9 viable was an evolving process. In late 1990, in light of
10 the real possibility that Rainbow would be the sixth station
11 starting up in a market that already had a fifth station
12 that was about to move to a centrally located tower and
13 hence gain audience fairly quickly, I thought, if we were to
14 be relegated as a sixth start-up station in that scenario, I
15 believe wholeheartedly, in light of the economic situation
16 at the time, and advertising budgets projected for '91, that
17 the station was worthless.

18 As time went by, from late 1990, into 1991, things
19 are changing. It's an evolving process, Mr. Silberman. I
20 don't wake up one morning and say, gee, today it's worth it.
21 The answer is it's an evolving process.

22 MR. SILBERMAN: Your Honor, would you direct the
23 witness. My question was very simple.

24 BY MR. SILBERMAN:

25 Q Did this belief of yours that's reflected in your

1 testimony under oath in January in Florida that Mr. Conant
2 told you that if Channel 18 gets on the tower the likelihood
3 is that he will not finance the station?

4 You had the belief or you made the testimony, gave
5 the testimony on January 11, 1991, correct?

6 A Yes, sir.

7 Q Did there come a time between January 11th of 1991
8 and June 6, 1991, when Judge Marcus issued his rule on your
9 motion for preliminary injunction, that you no longer held
10 the belief that's reflected in lines 1 and 2 on page 9?

11 A I would say it would be towards the time late
12 May - June when I learned that Nielsen was looking at
13 Orlando as a metered market in the near future.

14 Q So is it fair to say between January or November
15 '90, we can use that date, between November '90 when you --
16 or on or about November 2, '90, when you signed the
17 complained filed in Rey, until May - June '91, that you
18 believed that the likelihood was that Mr. Conant will not
19 finance the station?

20 MS. POLIVY: Your Honor, I object to the form of
21 the question. If Press goes on as a sixth station. It's a
22 hypothetical.

23 MR. SILBERMAN: Okay.

24 BY MR. SILBERMAN:

25 Q The predicate was -- well, that's the predicate of

1 the lawsuit, I believe, was to keep the exclusivity. Based
2 on that understand, I will repeat the question.

3 A Please.

4 Q Between November of 1990 and late May, early June
5 1991, was it your belief that if Channel 18 gets on the
6 tower, the Bithlo tower, the likelihood was that Mr. Conant
7 would not finance the station?

8 A Again, the answer is not that simple, Mr.
9 Silberman, because it has to go to what I believe in terms
10 of the viability of the station.

11 Howard ultimately would do, I think, what I
12 thought. if I would say to Howard, "It's not viable," I
13 think Howard would say, "Let's talk about." And in the end
14 looking at the numbers and the analysis you really don't
15 think it's viable, he wouldn't lend a penny.

16 If I would have gone to Howard and said, "However,
17 even though we are a sixth station in the marketplace, it is
18 viable," I think he would have lent the money, even if it
19 would have happened at anytime if I would have found
20 somewhere in my mind a reason that, you know, this was
21 viable, and I evolved into that state of mind by mid '91,
22 but Howard basically was always committed is what I am
23 getting at. Howard was always committed. Howard was
24 basically waiting for me to give him -- after our meeting
25 December of '1990 that I painted this gloom and doom -- he

1 stayed committed. He was ready for me to get back to him
2 and say, "Can we do this or not do this," in essence.

3 Q When you say -- excuse me.

4 When you say "committed," committed to --

5 A Lend the money.

6 Q -- lend the money?

7 A Yes, sir.

8 Q Your testimony before the Florida court on page 9
9 of the exhibit, "He," Conant, "has told me," you, Mr. Rey,
10 "if Channel 18," Press, "gets on the tower the likelihood is
11 that he will not finance the station."

12 That was your testimony.

13 A Yes, sir.

14 Q My question to you is, as between January 11,
15 1991, when you gave that testimony, and June of 1991, when
16 the judge issued his ruling, did there come a time when you
17 changed your belief that he would finance the station?

18 MS. POLIVY: Objection, Your Honor. Asked and
19 answered twice now.

20 JUDGE CHACHKIN: We still don't have a responsive
21 answer. So it's overruled.

22 MS. POLIVY: He gave him the answer, Your Honor.

23 JUDGE CHACHKIN: Overruled.

24 THE WITNESS: What is the question, Mr. Silberman,
25 again? I'm sorry. It's long in the day.

1 BY MR. SILBERMAN:

2 Q Between -- I feel like I should have a recording
3 machine within my body -- between January 11, 1991, when you
4 gave your testimony that Mr. Conant told you that if Press
5 got on the tower the likelihood is that he would not finance
6 the station. He will not. You didn't say "would not," will
7 not finance the station, that's what I am asking.

8 Between January 11, 1991, when you gave that
9 testimony, and May - June 1991, did there come a time when
10 you changed your mind and believed that he would finance the
11 station?

12 A I can't -- the same thing. I always believed that
13 he would finance the station is the answer.

14 VOIR DIRE EXAMINATION

15 JUDGE CHACHKIN: Well, why did you tell that to
16 the court?

17 THE WITNESS: Because, Your Honor, I tried to
18 explain. Howard was committed.

19 JUDGE CHACHKIN: Where does it saying that Howard
20 was committed in the material here that's been read to you
21 by Mr. Silberman?

22 I don't see anything there which indicates such
23 language that you have given today.

24 Is there anything here where you in any way
25 indicate that Mr. Conant was committed?

1 It's not what you said here.

2 THE WITNESS: Here, I a testifying what I think
3 could happen, what I believe would happen, what I believe
4 Howard told me during our meetings, and what he told me
5 during our meetings was that ultimately he's going to rely
6 on my broadcasting judgment.

7 JUDGE CHACHKIN: Where does that say that here in
8 your testimony before the court?

9 You testified at the court, you were asked the
10 question.

11 THE WITNESS: The answer was truthful, sir, but
12 it's obvious to me that I'm mixing two thoughts in my mind
13 when I answered the question.

14 One is what I believe and the other -- what I
15 believe in terms of viability, and what Howard would do if I
16 relayed that sort of viability to him. Those two concepts
17 are mixed in the answer, and that's the problem.

18 JUDGE CHACHKIN: No, you were asked a specific
19 question concerning a conversation that you had with Mr.
20 Conant, and this Mr. Conant allegedly told you something,
21 namely, that if Channel gets on that tower the likelihood is
22 that he will not finance the station. You weren't asked to
23 speculate or to conjecture. You were asked a specific
24 question concerning a conversation you had with Mr. Conant,
25 and this is your response as to what Mr. Conant told you.

1 Isn't that what it says here?

2 THE WITNESS: Yes, sir, that's what it says there.

3 JUDGE CHACHKIN: Now, was this testimony true?

4 THE WITNESS: Yes. That's what I believe would
5 happen if I were to tell Howard that it wasn't viable.

6 JUDGE CHACHKIN: So if this testimony is truthful,
7 at what point did you change your mind? Did Howard tell you
8 something different?

9 THE WITNESS: Again, sir, this has to do with what
10 I believe would have been viability or nonviable, a viable
11 or nonviable station, a worth something station, or a worth
12 nothing station.

13 My meeting with Howard in December of 1990, that's
14 what we talked about. He didn't detract his commitment. He
15 told me basically that he ultimately would rely on what I
16 thought. He trusted me, okay, and if you don't think it's
17 worth it Joe, the, you know, I'm not going to do it.

18 I am mixing that statement that he told me that
19 with my state of mind that if this thing is not viable, and
20 you get this answer generated.

21 But in terms of whether the statement is truthful,
22 I meant every word that I said there. I think it's truthful
23 to this day.

24 JUDGE CHACHKIN: Go ahead, Mr. Silberman.

25 BY MR. SILBERMAN:

1 Q Mr. Rey, would you please turn to page 7 of Press
2 Exhibit 10, referring to question -- so the answer would be,
3 in context, the question beginning on 11, answer ending line
4 17? Would you please read that?

5 A Eleven to 17?

6 Q Yes, lines 11 through 17.

7 A Yes, sir.

8 Q Your testimony there is, I believe, and I will
9 quote this, "I said it has not been reduced to writing
10 because of this."

11 "Because of this," what were you referring to?

12 A The litigation.

13 Q The litigation meaning Rey v Gannett?

14 A Yes, sir.

15 Q The next line or sentence is, "There is an
16 agreement for the financing of the station, and then this
17 hit, and then everything was put on hold."

18 "This" again referring to the Rey v Gannett
19 litigation?

20 A Yes, sir.

21 Q And you said, "Everything was put on hold."
22 And then you said, "You asked me that in the deposition. I
23 said that everything has been on hold because of this."

24 Was that your testimony then?

25 A Yes, sir.

1 Q So is it fair to say that in January -- on January
2 11, 1991, that the agreement that you had with Mr. Conant
3 was on hold?

4 A Well, reducing it to writing is on hold. The
5 agreement is there. Again, I am not going to ask Howard to
6 go ahead with it if I believed that this thing is not worth
7 it.

8 MR. COLE: Excuse me. Your Honor, I would like
9 the witness to answer.

10 BY MR. SILBERMAN:

11 Q It says here, "Everything was put on hold," your
12 language, "Everything was put on hold."

13 It doesn't say the agreement to reduce it to
14 writing. It says, "Everything was put on hold."

15 Did you mean by that the agreement to lend Rainbow
16 the money was put on hold?

17 MS. POLIVY: Your Honor, that question was asked
18 and answered, and if you would like to read back from the
19 transcript.

20 JUDGE CHACHKIN: No, I will overrule the
21 objection. Go ahead. It's cross-examination.

22 THE WITNESS: "Everything put on hold," as I read
23 this back thinking of my mindset at the time is the
24 construction has been put on hold because I believed that it
25 could not be constructed. Reducing the agreement in writing

1 had been put on hold because I don't know if this is going
2 to be viable, we might be wasting time.

3 I said earlier and I testified earlier and I will
4 testify now we put on hold, there was a delay because of the
5 tower litigation. This is -- but Howard did not say to me,
6 "I am going to put my loan commitment to you on hold."
7 Howard basically told me that if i believed that this wasn't
8 worth it, he would not finance it.

9 BY MR. SILBERMAN:

10 Q When you said -- excuse me -- when you said
11 "everything," you didn't mean everything?

12 MS. POLIVY: What does that mean? I object to the
13 form of the question.

14 JUDGE CHACHKIN: Overruled.

15 THE WITNESS: I don't know what you mean by
16 everything.

17 BY MR. SILBERMAN:

18 Q I am reading, Mr. Rey, in your testimony --

19 A I just related --

20 Q Excuse me.

21 A I'm sorry.

22 Q Please.

23 In your testimony at the court in Florida you
24 said, "Everything had been put on hold because of this."

25 MS. POLIVY: Your Honor.

1 MR. COLE: My question, and then you can make your
2 objection.

3 MS. POLIVY: I thought that was your question.

4 BY MR. SILBERMAN:

5 Q My question is by saying 'everything," did you
6 mean everything, including the agreement of Conant to
7 finance the operation?

8 MS. POLIVY: He has just testified he did not mean
9 that.

10 JUDGE CHACHKIN: Overruled.

11 You can answer the question.

12 THE WITNESS: I repeat my same answer again.

13 Construction was put on hold. My determination whether this
14 station was worth something or worthless was pending the
15 outcome of this. Howard Conant's loan agreement was not put
16 on hold. When I met with him in December of 1990, he didn't
17 say to me, "Let's put the deal on hold.

18 What we put on hold is determining whether this
19 station was worth something as a sixth station or not.

20 Now, he told me he would not finance the station,
21 you know, if it was worthless.

22 BY MR. SILBERMAN:

23 Q Excuse me, didn't Mr. Conant tell you he would
24 take a "wait and see" attitude on whether he would lend you
25 the money?

1 A No, sir. He would take a "wait and see" attitude
2 in terms of what develops here. I was very pessimistic.

3 Q "Develops here" meaning the litigation in Rev v
4 Gannett?

5 A In this preliminary injunction, this injunctive
6 relief proceeding. You know, let's see what develops in
7 terms -- because I said to him that I really believe that it
8 could be very much worthless.

9 Q So let me just get clarification, please.

10 Are you saying, with regard to your answer on
11 lines 13 through 17, Exhibit, Press Exhibit 10, page 7, that
12 when you testified that "Everything has been put on hold
13 because of this," you did not mean, or you did not mean to
14 say that the agreement for the financing of this station was
15 put on hold?

16 A No. Howard never retracted or put on hold his
17 commitment to finance the station. Everything else had been
18 put on hold. Construction had been put on hold. Reducing
19 Howard's deal to writing has been put on hold. Everything
20 was put on hold.

21 Q Was this your testimony that you gave before Judge
22 Marcus?

23 A It certainly is, sir.

24 Q And was it truthful at the time you gave it?

25 A Yes, it is, sir.

1 Q Did you ever advise the Commission that
2 "Everything had been put on hold because of this"?

3 MS. POLIVY: I object, Your Honor. First he going
4 to have to lay a foundation that there was a responsibility
5 to advise the Commission.

6 MR. SILBERMAN: I don't have that responsibility.

7 MS. POLIVY: There is no foundation for the
8 question.

9 JUDGE CHACHKIN: It's a simple question. I will
10 overrule the objection.

11 THE WITNESS: What's the question, Mr. Silberman?

12 BY MR. SILBERMAN:

13 Q Did you ever tell the FCC that "Everything had
14 been put on hold because of this"?

15 A I don't recall that, sir.

16 Q Did you ever tell the FCC that there is an
17 agreement for the financing of this station that the
18 litigation hit and everything was put on hold?

19 MS. POLIVY: Your Honor. I am going to object to
20 the question. What you are asking is did he ever advise the
21 Commission of something he had no obligation to advise the
22 Commission of other than what we put in the extension.

23 MR. SILBERMAN: I will rephrase the question. I
24 withdraw that question.

25 BY MR. SILBERMAN:

1 Q Did you ever tell the Commission that if Press got
2 on the Bithlo Tower the likelihood is that Howard Conant
3 will not finance the station?

4 MS. POLIVY: I will object to the question, Your
5 Honor. There is absolutely no responsibility to advise the
6 Commission of hypothetical things. And to suggest that
7 there is is simply to mislead the witness.

8 JUDGE CHACHKIN: Overruled.

9 THE WITNESS: I believe the answer is no. The
10 only thing that I can think of that we advised the
11 Commission was that there had been a delay because of the
12 litigation.

13 BY MR. SILBERMAN:

14 Q Did you ever advise -- I am going to refer you now
15 to -- out of fairness to the witness -- Press Broadcasting
16 Company Exhibit No. 9, which has been received into evidence
17 as the verified complaint for specific performance in Rey v
18 Gannett. And I am referring to page 9, first of all.

19 MS. POLIVY: Do you have a copy?

20 JUDGE CHACHKIN: What exhibit are we referring to
21 now?

22 MS. POLIVY: Nine.

23 MR. SILBERMAN: This is Press Exhibit No. 9, page
24 9.

25 BY MR. SILBERMAN:

1 Q I will ask the witness, do you have a copy of that
2 exhibit before you?

3 A I believe I do.

4 Q You are familiar with that exhibit?
5 It's a complaint you signed in Rey v Gannett.

6 A Yes, this is the complaint that I signed in Rey v
7 Gannett.

8 Q And on page 9, in the middle of the page it says,
9 "If Press is allowed to transmit from this site, it will
10 render Plaintiff's permit valueless." And then it goes on
11 to say, "See affidavit from Susan Harrison attached hereto
12 and made a part of Exhibit B."

13 That's the part I am concerned about. That's what
14 my question is going to be addressed to.

15 So you attested to the truthfulness of that
16 statement, correct?

17 A That's what I believed at the time, yes.

18 Q You believed that. When you signed this
19 complaint, and I believe that's reflected that it was signed
20 on page 11, it says 2nd day of November 1990.

21 Does that comport with your recollection?

22 A I don't see the date, but I see my signature, but
23 it's about that time, November of 1990.

24 Q On page 11, Mr. Rey, "Witness my hand this 2nd day
25 of --